

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HENRY BROWN,

Plaintiff,

v.

Case No. 12-13402

CITY OF DETROIT and LATONYA BROOKS,

Defendants.

**OPINION AND ORDER (1) OVERRULING PLAINTIFF'S OBJECTIONS;
(2) ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
(3) GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; AND
(4) TERMINATING LATER-FILED MOTIONS AS MOOT**

This is a civil rights case stemming from the arrest of *pro se* Plaintiff Henry Brown, who was subsequently determined to be innocent and released after 270 days detention. (See Dkt. # 23.) Pending before the court is the report and recommendation (Dkt. # 46) of United States Magistrate Judge David R. Grand, to whom the case had been referred to for review pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). Defendants City of Detroit and Latonya Brooks have filed a motion for summary judgment. (Dkt. # 46.) The magistrate judge recommends that this motion be granted, finding that no Fourteenth Amendment violation exists because the allegedly improper photographic lineup was never introduced at trial and Plaintiff's remaining claims are barred by the existence of a valid warrant, the absence of necessary evidence, or are otherwise improper. (*Id.*) Plaintiff has filed what purport to be objections to the report and recommendation (Dkt. # 50) and Defendants have filed a response. (Dkt. # 53.) The

court will deem Plaintiff's objections waived, adopt the report and recommendation, and grant the motion for summary judgment the reasons provided below.

The filing of timely objections requires the court to "make a de novo determination of those portions of the report or specified findings or recommendations to which objection is made." 28 U.S.C. §636(b)(1). See *United States v. Raddatz*, 447 U.S. 667 (1980); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). This de novo review requires this court to examine the relevant pleadings and such evidence as may have been submitted in support of the motions. A failure to file objections, or a failure to file *specific* objections, constitutes a waiver of any further right of appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of HHS*, 932 F.2d 505 (6th Cir. 1991).

In order for this court to apply meaningful de novo review, it is insufficient for the objecting party to simply incorporate by reference earlier pleadings or reproduce an earlier unsuccessful motion for dismissal or judgment (or response to the other party's dispositive motion). Insufficient objections to a magistrate judge's analysis will ordinarily be treated by the court as an unavailing general objection. See *Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006) ("Overly general objections do not satisfy the objection requirement.").

Plaintiff's filings raises six "objections," all of which simply restate arguments that Plaintiff raised in the underlying briefing and the magistrate judge's report and recommendation addressed at length. Plaintiff neglects to even mention the magistrate judge's analysis. The court finds Plaintiff's purported objections to be improper and, as a result, Plaintiff has waived any objection to the report and recommendation. See

Spencer, 449 F.3d at 725. The court has reviewed the underlying briefing and finds the magistrate judge's report and recommendation to be well-reasoned, thorough, and correct. Accordingly,

IT IS ORDERED that Plaintiff's objections (Dkt. # 50) are OVERRULED. The report and recommendation is ADOPTED in its entirety and incorporated by reference.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (Dkt. # 24) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's "Motion for Summary Disposition" (Dkt. # 49) and "Motion for Leave to File an Amended Complaint" (Dkt. # 51) are TERMINATED AS MOOT.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 9, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 9, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522